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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,551	07/20/2004	Takahiro OKUIE	040353	4550
23850	7590	09/13/2006		
ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006			EXAMINER TRAN, HUAN HUU	
			ART UNIT 2861	PAPER NUMBER

DATE MAILED: 09/13/2006 .

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/710,551

Applicant(s)

OKUIE ET AL.

Examiner

Huan H. Tran

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Upon reconsideration the indicated allowability of claim 5 is withdrawn.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "rough " in base claim 1 is a relative term (note remark made at page 10 of the Amendment filed on 06/29/06) which renders the claim indefinite. The term "rough" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. Even if the specification uses the same term of degree as in the claim, a rejection may be proper if the scope of the term is not understood when read in light of the specification. MPEP 2173.05(b).

In this instance, the specification does not provide a standard for ascertaining the requisite degree of the term "rough" to distinguish the claim limitation "rough surface" from the "reflecting surface" of prior art. It is submitted that any surface possesses a certain degree of roughness.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP- U 64-40548 cited in the IDS filed on 10/20/05 or JP_U 5-68650 cited in the IDS filed on 07/21/04.

As to claim 1, referring to Figs. 1 and 2, JP-U 64-40548 or JP-U 5-68650 discloses a transfer film cassette to be attached to a printer provided with an optical sensor (8) , comprising: a transfer film (2) having a mark (2a) to be detected by said optical sensor, and a case (1) having a surface (7) which causes diffuse reflection at an opposed position to said optical sensor with said transfer film (2) interposed when being attached to said printer. It should be noted that the surface (7) inherently possesses a degree of roughness.

As to claim 2, as seen in Fig. 2, the optical sensor (8) detects a light that is reflected by the surface (7) and passes through the transfer film (2).

As to claim 4, as seen in Fig.1, the supply spool is (3) and the take-up spool is (4).

7. Claims 1, 2, 4 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kyogoku et al. (JP 11-240219 cited in the IDS filed on 12/13/2005).

As to claim 1, referring to Figs. 1 and 2, Kyogoku et al. discloses a transfer film cassette to be attached to a printer provided with an optical sensor (7) , comprising: a transfer film (1) having a mark to be detected by said optical sensor, and a case (2) having a surface (6) which

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causes diffuse reflection at an opposed position to said optical sensor with said transfer film (1) interposed when being attached to said printer. It is noted that the surface (6) inherently possesses a degree of roughness.

As to claim 2, as seen in Fig. 2, the optical sensor (7) detects a light that is reflected by the surface (6) and passes through the transfer film (1).

As to claim 4, as seen in Fig. 1, the supply spool is (3) and the take-up spool is (4).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP_U 64-40548 cited in the IDS filed on 10/20/05, JP_U 5-68650 cited in the IDS filed on 07/21/04, or Kyogoku et al. (JP 11-240219 cited in the IDS filed on 12/13/2005) in view of Hadley (US Patent 6010259) or Amano (US Patent 5144331).

JP_U 64-40548 cited in the IDS filed on 10/20/05, JP_U 5-68650 cited in the IDS filed on 07/21/04, or Kyogoku et al. (JP 11-240219 cited in the IDS filed on 12/13/2005) discloses the claimed invention as explained in the rejection above except for the limitation "wherein a front of said mark in a conveying direction of said transfer film is transparent, and said mark is opaque" so as to make it possible to clearly identify changes in the amount of light reflected from the identifying marks.

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Hadley or Amano discloses such limitation. See Figs. 2-3 and Col. 5, lines 58-65 of Hadley. See Fig. 1 and Col. 4, lines 45-68 of Amano.

Therefore it would have been obvious to one of ordinary skill in the art to provide the color identification marks in the primary references with the characteristic taught by Hadley or Amano so as to make it possible to clearly identify changes in the amount of light reflected from the identifying marks.

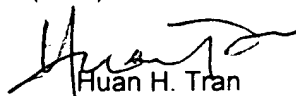
Response to Arguments

10. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (571) 272-2261. The examiner can normally be reached on at work on T-F from 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vip Patel can be reached on (571) 272-2458. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Huan H. Tran
Primary Examiner
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